

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION (DETROIT)

In re:

Chapter 13

Nicole Ellison,

Case No. 19-50407

Debtor.

Hon. Phillip J. Shefferly

**ORDER (1) SUSTAINING TRUSTEE’S OBJECTION TO
PART OF DEBTOR’S PROPOSED PLAN MODIFICATION; AND (2) ADJOURNING
HEARING ON REMAINING PART OF DEBTOR’S PROPOSED PLAN MODIFICATION**

On August 13, 2020, the Debtor filed a proposed plan modification (“Plan Mod”) (ECF No. 39) to excuse her from paying her 2019 tax refund into her plan and to shorten the length of her plan from 60 months to 36 months. On September 3, 2020, the chapter 13 trustee (“Trustee”) objected (ECF No. 41). On October 1, 2020, the Court held a hearing. The Court did not rule on the tax refund issue because it appeared that the Debtor and the Trustee were negotiating a resolution of that issue, and the Court took the plan length issue under advisement. On October 6, 2020, the Court issued an Opinion Sustaining Trustee’s Objection to Debtor’s Post-Confirmation Plan Modification (“Opinion”) (ECF No. 46) regarding the plan length issue. The Opinion denied the Plan Mod’s request to shorten the length of

the Debtor's plan but intentionally did not address the tax refund issue. The Court now enters this order to memorialize its ruling pursuant to the Opinion and to reschedule the hearing on the tax refund issue. Accordingly,

IT IS HEREBY ORDERED that the Plan Mod's request to shorten the length of the Debtor's plan is denied for the reasons set forth in the Opinion.

IT IS FURTHER ORDERED that the Plan Mod's request to excuse payment of the 2019 tax refund, and the Trustee's objection to that request, is adjourned to **October 15, 2020 at 10:00 a.m.** If the Debtor and the Trustee resolve their dispute regarding that issue in advance of the hearing, they may file a stipulation and submit a proposed order so providing and the hearing will be cancelled.

Signed on October 6, 2020



/s/ Phillip J. Shefferly

Phillip J. Shefferly
United States Bankruptcy Judge